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AB-64 Vital records. (2025-2026)

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Assembly Bill No. 64

CHAPTER 662

An act to amend Section 103625 of, and to add Sections 102134 and 103227 to, the Health and Safety Code, relating to vital records.

[Approved by Governor October 12, 2025. Filed with Secretary of State October 12, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 64, Pacheco. Vital records.

(1) Existing law prescribes the duties of the State Registrar of Vital Statistics (State Registrar) and local registrars of births and deaths with respect to the registration of certificates of live birth, fetal death, or death, and marriage licenses. Existing law requires the State Registrar to prescribe and furnish all record forms for use in carrying out the provisions governing vital records and prohibits the use of any record form or format other than those prescribed by the State Registrar. Existing law requires every live birth, fetal death, death, and marriage that occurs in the state to be registered with the local registrar. Existing law requires certificates of live birth, fetal death, or death, and a marriage license to include specified information, such as the full name of the child on a certificate of live birth and the full names of the parties to be married on a marriage license. Existing law also requires the county clerk to issue a confidential marriage license, as specified, on a form prescribed by the State Registrar.

This bill would require, commencing no earlier than 2 years after an appropriation of funds by the Legislature, the State Registrar to require the use of a diacritical mark on an English letter within a name field to be properly recorded, when applicable, on a certificate of live birth, fetal death, death, marriage license and certificate, or confidential marriage license and certificate, and would require the use of a diacritical mark to be deemed an acceptable entry by the State Registrar. The bill would provide that the absence or presence of a diacritical mark on a certificate of live birth, fetal death, or death, or a marriage license and certificate or confidential marriage license and certificate does not render the document invalid nor affect any constructive notice imparted by proper recordation of the document. The bill would authorize the State Registrar to develop a list of acceptable diacritical marks for use on a certificate of live birth, fetal death, or death, or a marriage license and certificate or confidential marriage license and certificate through all-county letters or similar instructions from the State Registrar without taking further regulatory actions. The bill would authorize the State Registrar to remove any diacritical marks on the birth, fetal death, death, and marriage license and certificate data before furnishing the vital statistics to a federal, state, or local government agency.

The bill would authorize, beginning July 1, 2026, if a name is not accurately recorded because of the absence of a diacritical mark on an English letter in any certificate of live birth, fetal death, death, or marriage already registered, the person asserting the omission, or the person's conservator, or if a minor, the person's parent or guardian, to make an affidavit under oath, as specified, stating the changes necessary to make the record correct. The bill would require the affidavit to be supported by the affidavit of one other person having knowledge of the facts and be filed with the State Registrar. The bill would require the State Registrar to, review the request and, if the request is accompanied with the payment of a specified fee, to issue an amendment to any certificate of live birth, fetal death, death, or marriage with the accurate name identified in the request. The bill would also

authorize, if a name field of either of the parties married or their parents is not accurately recorded because of the absence of a diacritical mark on an English letter on any confidential license and certificate of marriage already registered, the party asserting the omission to make an affidavit, under oath, stating the changes necessary to make the record correct and file it with the county clerk. The bill would authorize the county clerk to charge a fee, not to exceed the amount of the fee for any other amended confidential marriage license and certificate issued by the county clerk and not to exceed the reasonable cost to provide the amended marriage license and certificate. The bill would require the county clerk to review the amendment for acceptance for filing, and if accepted, file the amendment and note the fact of the amendment, with its date, on the otherwise unaltered original confidential license and certificate of marriage. By requiring the affidavit to be under oath, the bill would expand the crime of perjury, thereby imposing a state-mandated local program. By increasing duties on county clerks, the bill would impose a state-mandated local program.

(2) Existing law requires the collection of specified fees for certified copies of a fetal death record, death record, a birth certificate, marriage record, or marriage dissolution record. Existing law requires all applicants for certified copies of the above-described records to pay an additional fee of \$3 to be collected by the State Registrar, the local registrar, county recorder, or county clerk, as appropriate.

This bill would increase the additional fee charged for certified copies of the above-described records to \$5.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 102134 is added to the Health and Safety Code, to read:

102134. (a) Beginning no earlier than two years after an appropriation of funds by the Legislature, the State Registrar shall require the use of a diacritical mark on an English letter to be properly recorded, within the name field of a parent or registrant on a certificate of live birth, fetal death, death, marriage license and certificate, or confidential marriage license and certificate. The use of a diacritical mark on an English letter within a name field shall be deemed an acceptable entry on a certificate of live birth, fetal death, or death, and a marriage license and certificate or confidential marriage license and certificate by the State Registrar.

(b) The absence or presence of a diacritical mark on a document listed in subdivision (a) shall not render the document invalid nor affect any constructive notice imparted by proper recordation of the document.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Registrar may develop a list of acceptable diacritical marks for use on a certificate of live birth, fetal death, or death, or a marriage license and certificate or confidential marriage license and certificate, through all-county letters or similar instructions from the State Registrar without taking further regulatory actions.

(d) Notwithstanding Section 102140, the State Registrar may remove any diacritical marks on the birth, fetal death, death, and marriage license and certificate data before furnishing the vital statistics relating to birth, death, fetal death, and marriage license and certificates to a federal, state, or local government agency.

(e) For purposes of this part, a diacritical mark includes, but is not limited to, accents, tildes, graves, umlauts, and cedillas.

SEC. 2. Section 103227 is added to the Health and Safety Code, to read:

103227. (a) (1) Beginning July 1, 2026, if a name is not accurately recorded because of the absence of a diacritical mark on an English letter in any certificate of live birth, fetal death, death, or marriage already registered, the person asserting the omission, or the person's conservator, or if a minor, the person's parent or guardian, may make an affidavit under oath in accordance with Section 103225 stating the changes necessary to make the record correct. That affidavit shall be supported by the affidavit of one other person having knowledge of the facts and shall be filed with the State Registrar.

(2) The State Registrar shall review the request and, if the request is accompanied with the payment of the fee required by Section 103700, shall issue an amendment to any certificate of live birth, fetal death, death, or marriage with the accurate

name identified in the request.

(3) Amendments to add diacritical marks to birth, marriage, death, or fetal death certificates will be filed with and become part of the record.

(b) (1) If a name field of either of the parties married or their parents is not accurately recorded because of the absence of a diacritical mark on an English letter on any confidential license and certificate of marriage already registered, the party to the confidential marriage asserting the omission may make an affidavit under oath in accordance with Section 103225 stating the changes necessary to make the record correct.

(2) A county clerk may charge a fee, not to exceed the amount of the fee for any other amended confidential marriage license and certificate issued by the county clerk and not to exceed the reasonable cost to provide the amended confidential marriage license and certificate.

(3) The county clerk shall review the amendment for acceptance for filing, and if accepted, shall file the amendment and note the fact of the amendment, with its date, on the otherwise unaltered original confidential marriage license and certificate.

SEC. 3. Section 103625 of the Health and Safety Code, as amended by Section 5 of Chapter 604 of the Statutes of 2022, is amended to read:

103625. (a) A fee of twelve dollars (\$12) shall be paid by the applicant for a certified copy of a fetal death or death record.

(b) (1) A fee of twelve dollars (\$12) shall be paid by a public agency or licensed private adoption agency applicant for a certified copy of a birth certificate that the agency is required to obtain in the ordinary course of business. A fee of eighteen dollars (\$18) shall be paid by any other applicant for a certified copy of a birth certificate. Four dollars (\$4) of any eighteen-dollar (\$18) fee is exempt from subdivision (e) and shall be paid either to a county children's trust fund or to the State Children's Trust Fund, in conformity with Article 5 (commencing with Section 18965) of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions Code. Two dollars (\$2) of any eighteen-dollar (\$18) fee is exempt from subdivision (e) and shall be paid to the Umbilical Cord Blood Collection Program Fund in conformity with Section 1628.

(2) The board of supervisors of any county that has established a county children's trust fund may increase the fee for a certified copy of a birth certificate by up to three dollars (\$3) for deposit in the county children's trust fund in conformity with Article 5 (commencing with Section 18965) of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions Code.

(c) A fee of three dollars (\$3) shall be paid by a public agency applicant for a certified copy of a marriage record, that has been filed with the county recorder or county clerk, that the agency is required to obtain in the ordinary course of business. A fee of six dollars (\$6) shall be paid by any other applicant for a certified copy of a marriage record that has been filed with the county recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6) fee is exempt from subdivision (e) and shall be transmitted monthly by each local registrar, county recorder, and county clerk to the state for deposit into the General Fund as provided by Section 1852 of the Family Code.

(d) A fee of three dollars (\$3) shall be paid by a public agency applicant for a certified copy of a marriage dissolution record obtained from the State Registrar that the agency is required to obtain in the ordinary course of business. A fee of six dollars (\$6) shall be paid by any other applicant for a certified copy of a marriage dissolution record obtained from the State Registrar.

(e) Each local registrar, county recorder, or county clerk collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall do the following:

(1) Transmit 15 percent of the fee for each certified copy to the State Registrar by the 10th day of the month following the month in which the fee was received.

(2) Retain 85 percent of the fee for each certified copy solely to support the issuing agency for all activities related to the issuance of certified copies of records pursuant to subdivisions (a) to (d), inclusive.

(f) In addition to the fees prescribed pursuant to subdivisions (a) to (d), inclusive, all applicants for certified copies of the records described in those subdivisions shall pay an additional fee of five dollars (\$5) that shall be collected by the State Registrar, the local registrar, county recorder, or county clerk, as the case may be.

(g) The local public official charged with the collection of the additional fee established pursuant to subdivision (f) may create a local vital and health statistics trust fund. The fees collected by local public officials pursuant to subdivision (f) shall be distributed as follows:

(1) Forty-five percent of the fee collected pursuant to subdivision (f) shall be transmitted to the State Registrar.

(2) The remainder of the fee collected pursuant to subdivision (f) shall be deposited into the collecting agency's vital and health statistics trust fund, except that in any jurisdiction in which a local vital and health statistics trust fund has not been established, the entire amount of the fee collected pursuant to subdivision (f) shall be transmitted to the State Registrar.

(3) Moneys transmitted to the State Registrar pursuant to this subdivision shall be deposited in accordance with Section 102247.

(h) Moneys in each local vital and health statistics trust fund shall be available to the local official charged with the collection of fees pursuant to subdivision (f) for the applicable jurisdiction for the purpose of defraying the administrative costs of collecting and reporting with respect to those fees and for other costs as follows:

(1) Modernization of vital record operations, including improvement, automation, and technical support of vital record systems.

(2) Improvement in the collection and analysis of health-related birth and death certificate information, and other community health data collection and analysis, as appropriate.

(i) Funds collected pursuant to subdivision (f) shall not be used to supplant funding in existence on January 1, 2002, that is necessary for the daily operation of vital record systems. It is the intent of the Legislature that funds collected pursuant to subdivision (f) be used to enhance service to the public, to improve analytical capabilities of state and local health authorities in addressing the health needs of newborn children and maternal health problems, and to analyze the health status of the general population.

(j) Each county shall annually submit a report to the State Registrar by March 1 containing information on the amount of revenues collected pursuant to subdivision (f) in the previous calendar year and on how the revenues were expended and for what purpose.

(k) Each local registrar, county recorder, or county clerk collecting the fee pursuant to subdivision (f) shall transmit 45 percent of the fee for each certified copy to which subdivision (f) applies to the State Registrar by the 10th day of the month following the month in which the fee was received.

(l) The nine-dollar (\$9) increase to the base fee authorized in subdivision (a) for a certified copy of a fetal death record or death record and subdivision (b) for a certified copy of a birth certificate shall be applied incrementally as follows:

(1) A five-dollar (\$5) increase applied as of January 1, 2012.

(2) An additional two-dollar (\$2) increase applied as of January 1, 2013.

(3) An additional two-dollar (\$2) increase applied as of January 1, 2014.

(m) In providing for the expiration of the surcharge on birth certificate fees on June 30, 1999, the Legislature intends that juvenile dependency mediation programs pursue ancillary funding sources after that date.

(n) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 4. Section 103625 of the Health and Safety Code, as amended by Section 6 of Chapter 604 of the Statutes of 2022, is amended to read:

103625. (a) A fee of twelve dollars (\$12) shall be paid by the applicant for a certified copy of a fetal death or death record.

(b) (1) A fee of twelve dollars (\$12) shall be paid by a public agency or licensed private adoption agency applicant for a certified copy of a birth certificate that the agency is required to obtain in the ordinary course of business. A fee of sixteen dollars (\$16) shall be paid by any other applicant for a certified copy of a birth certificate. Four dollars (\$4) of any sixteen-dollar (\$16) fee is exempt from subdivision (e) and shall be paid either to a county children's trust fund or to the State Children's Trust Fund, in conformity with Article 5 (commencing with Section 18965) of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions Code.

(2) The board of supervisors of any county that has established a county children's trust fund may increase the fee for a certified copy of a birth certificate by up to three dollars (\$3) for deposit in the county children's trust fund in conformity with Article 5 (commencing with Section 18965) of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions Code.

(c) A fee of three dollars (\$3) shall be paid by a public agency applicant for a certified copy of a marriage record, that has been filed with the county recorder or county clerk, that the agency is required to obtain in the ordinary course of business. A fee of six dollars (\$6) shall be paid by any other applicant for a certified copy of a marriage record that has been filed with the county recorder or county clerk. Three dollars (\$3) of any six-dollar (\$6) fee is exempt from subdivision (e) and shall be transmitted

monthly by each local registrar, county recorder, and county clerk to the state for deposit into the General Fund as provided by Section 1852 of the Family Code.

(d) A fee of three dollars (\$3) shall be paid by a public agency applicant for a certified copy of a marriage dissolution record obtained from the State Registrar that the agency is required to obtain in the ordinary course of business. A fee of six dollars (\$6) shall be paid by any other applicant for a certified copy of a marriage dissolution record obtained from the State Registrar.

(e) Each local registrar, county recorder, or county clerk collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall do the following:

(1) Transmit 15 percent of the fee for each certified copy to the State Registrar by the 10th day of the month following the month in which the fee was received.

(2) Retain 85 percent of the fee for each certified copy solely to support the issuing agency for all activities related to the issuance of certified copies of records pursuant to subdivisions (a) to (d), inclusive.

(f) In addition to the fees prescribed pursuant to subdivisions (a) to (d), inclusive, all applicants for certified copies of the records described in those subdivisions shall pay an additional fee of five dollars (\$5) that shall be collected by the State Registrar, the local registrar, county recorder, or county clerk, as the case may be.

(g) The local public official charged with the collection of the additional fee established pursuant to subdivision (f) may create a local vital and health statistics trust fund. The fees collected by local public officials pursuant to subdivision (f) shall be distributed as follows:

(1) Forty-five percent of the fee collected pursuant to subdivision (f) shall be transmitted to the State Registrar.

(2) The remainder of the fee collected pursuant to subdivision (f) shall be deposited into the collecting agency's vital and health statistics trust fund, except that in any jurisdiction in which a local vital and health statistics trust fund has not been established, the entire amount of the fee collected pursuant to subdivision (f) shall be transmitted to the State Registrar.

(3) Moneys transmitted to the State Registrar pursuant to this subdivision shall be deposited in accordance with Section 102247.

(h) Moneys in each local vital and health statistics trust fund shall be available to the local official charged with the collection of fees pursuant to subdivision (f) for the applicable jurisdiction for the purpose of defraying the administrative costs of collecting and reporting with respect to those fees and for other costs as follows:

(1) Modernization of vital record operations, including improvement, automation, and technical support of vital record systems.

(2) Improvement in the collection and analysis of health-related birth and death certificate information, and other community health data collection and analysis, as appropriate.

(i) Funds collected pursuant to subdivision (f) shall not be used to supplant funding in existence on January 1, 2002, that is necessary for the daily operation of vital record systems. It is the intent of the Legislature that funds collected pursuant to subdivision (f) be used to enhance service to the public, to improve analytical capabilities of state and local health authorities in addressing the health needs of newborn children and maternal health problems, and to analyze the health status of the general population.

(j) Each county shall annually submit a report to the State Registrar by March 1 containing information on the amount of revenues collected pursuant to subdivision (f) in the previous calendar year and on how the revenues were expended and for what purpose.

(k) Each local registrar, county recorder, or county clerk collecting the fee pursuant to subdivision (f) shall transmit 45 percent of the fee for each certified copy to which subdivision (f) applies to the State Registrar by the 10th day of the month following the month in which the fee was received.

(l) In providing for the expiration of the surcharge on birth certificate fees on June 30, 1999, the Legislature intends that juvenile dependency mediation programs pursue ancillary funding sources after that date.

(m) This section shall become operative on January 1, 2027.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.